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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,603	02/27/2004	Bruce L. Finn	04-13244	9196
29000	7590	03/16/2006	EXAMINER	
IRELL & MANELLA LLP 1800 AVENUE OF THE STARS SUITE 900 LOS ANGELES, CA 90067			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/788,603

Applicant(s)

FINN, BRUCE L.

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-41 and 43-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50 and 54 is/are allowed.
- 6) ☒ Claim(s) 37-41, 43/49 and 51-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/3&1/25/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on January 03, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Number 6,588,912, Patent Number 6,106,125, and Patent Number 6,719,434 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Amendment***

2. Applicant's amendment filed on January 3, 2006 has been entered:

- Claims 37 and 39 have been amended;
- Claim 42 has been cancelled;
- Claims 51-54 have been added.

### ***Response to Arguments***

3. The declaration of Thomas A. Waltz filed on January 3, 2006 has been fully considered.

4. Applicant's arguments regarding newly amended claims 37-41 and 42-49 filed on January 3, 2006 have been fully considered but they are not persuasive.

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5. In response to applicant's arguments that "Buckley's (US 5,915,828) is not a front projection light as set forth in claim 37" (Remarks, page 16), the phrase of "a front projection light device" in the **preamble** of claim 37 is not given any patentable weight because it is clearly addressed in the MPEP that a **preamble** is **not** accorded **any patentable weight** where it merely recites the purpose of a process or the intended use of a structure (see MPEP § 2111).

6. In response to applicant's argument that "the combination of par lamp in Buckley's lighting system fails to take account of the unique aspects of par lamps", because "par lamps are highly directional" and Buckley's **motion picture lighting system** "intent to create a short-range soft, indirect light" (Remarks, pages 17-18). Examiner agrees that Buckley's motion picture lighting system provides **only** a short-range soft, indirect light **without** combining with par lamps. However, it is well known in the art that **various types** of lightings are required in a motion picture, such as direct, indirect, high intensity focused or uniformly diffused lightings. Therefore, it is a strong/sufficient motivation for one of ordinary in the art to combine the par lamps with Buckley's motion picture lighting system for the purpose of providing various types of lightings by changing the arrangement of the filters as well as by adjusting the direction of the par lamps easily due to their quick and easy convertibility. Providing various types of lightings by adjusting the direction of a direction lamp is well presented in Figure 5 of Waltz (US 4,757,425) that discloses a photographic lighting device and cited in the Office Action dated on September 23, 2005.

7. The newly amended claims 37-41 and 43-50 with amended features including “a lighting frame” is not unpatentable over Buckley. However, upon reconsideration, Waltz (US 4,757,425) suits better for the newly amended claims 37-41 and 43-50. The rejection on the merits follows on page 5.

8. In response to Applicant’s arguments regarding newly added claims 51-54, the applicant’s arguments are Moot because the applicant’s amendment necessitated the new ground(s) of rejection by introducing new considerations “a housing having a front and a substantially contiguous sidewall” in line 2 of claim 51, “lamps having a fixed focal length and a curved reflective backing shaped” in lines 6-7 of claim 51 and “box-shaped configuration” in lines 2-3 of claim 53. The rejection on the merits of newly added claims 51-53 is made in view of Waltz (US 4,757,425) and Chubb (US 2,169,022) that are cited in the Office Action dated on September 23, 2005.

### ***Claim Objections***

9. Claim 37 is objected to because of the following informalities: the use of the phrase “capable of” in line 7 of claim 37 renders the claim indefinite because it is unclear whether the structural limitation following the phrase, namely the “capable of”, is part of the claimed invention (see MPEP § 2173.05(g)). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. A preamble is not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure (see MPEP § 2111). The information in the preamble of claim 37-41 and 43-54 is not further given any patentable weight.

12. The functional statement that does not direct to structural limitations of an apparatus has not been given any patentable weight (see MPEP § 2114). The functional statement "to create a deeply projected soft light" in line 15 of claim 37 and in line 14 of claim 51 are not further given any patentable weight.

13. Claims 37-39, 41, 46-47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waltz (US 4,757,425).

14. Waltz discloses a photographic lighting device (Fig. 5).

15. In regards to claims 37-39, 41, 46-47 and 49, Waltz discloses:

- A housing (Fig. 1, 15) having four sides and a front (25) (col. 1, lines 52-53) (claim 37);

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- A lighting frame (Fig. 5, 52) including a light mounting element (12) (claim 37)
- A plurality of lamps (Fig. 4, 46, 60, 62) is directed toward (col. 4, lines 53-54) the front of the housing (15) (claim 37);
- A primary filter (Fig. 5, 16) holding element (Fig. 4) (col. 3, lines 56-59) disposed between the lamp (Fig. 5, 46) and the front (25) (claim 37);
- Wherein the primary filter holding element (Fig. 4) is supported from the housing (15) (col. 3, lines 56-59) (claim 37);
- A primary filter element (Fig. 5, 16) having a material (col. 3, lines 48-50) that diffuses light from the lamp (46), and light produced by the lamp (46) is directed therethrough (claims 37, 41);
- Wherein the housing (Fig. 4, 15) provides access to the primary holding element for removing and replacing a primary filter element (16) (col. 3, lines 56-65) (claim 38);
- A means (Fig. 1, 50) attached to the lighting frame (52) for suspending the front projection light device (10) (claim 39);
- Wherein the housing (Fig. 1, 15) is foldable (Fig. 3) (claim 46);
- Wherein the light mounting element (Fig. 5, 12) has a rod (claim 47);
- Wherein the housing (Fig. 1, 15) has a fabric (col. 3, lines 40-42) (claim 49).

16. Waltz does not expressly disclose that the plurality of lamps are par lamps (claim 37). However, Waltz discloses that the photographic lighting device (Fig. 5) is usable with a wide variety of light sources (col. 1, lines 36-38), and the **light source** (46) include a reflector (47) that directs the light in the **desired direction** (col. 4, lines 53-

54). It is well known and available knowledge to one of ordinary skill in the art that par lamps are one of direction lamps. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the par lamps (particular directional lamps) for the photographic lighting device of Waltz to provide diffused light, for the purpose of providing various types of lightings for the applications such as motion picture filming and concert stage where fast installation, quick and easy convertibility and low cost for maintenance is essential. Further, the directional lamps of Waltz and the par lamps provide equivalent function as directional lamp, and the selection within the known directional lamps would be within the level of ordinary skill in the art.

17. Claims 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waltz (US 4,757,425) as applied to claim 37 above, and further in view of Farrall (US 4,788,628).

18. In regards to claim 40 and 48, Waltz discloses the invention substantially as claimed except for

- At least one of the sides of the housing is an aluminum material (claim 40);
- The housing is composed of a semi-rigid material (claim 48).

19. In regards to the housing made of aluminum (claim 40) or semi-rigid (claim 48) materials, Farrall discloses a banklight system with a housing (Fig. 2, 10) which can be constructed with semi-rigid aluminum (elastic modulus of aluminum is one-third of the steel). Therefore, it would have been obvious to one of ordinary skill in the art at the



time the invention was made to use the semi-rigid aluminum of Farrall for the photographic lighting device of Waltz to provide housing panels made of aluminum material, for the purpose of providing sufficient physical support for the lighting devices while minimizing the overall weight of the device for easy carrying.

20. Claims 37 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (US 5,915,828) in view of Waltz (US 4,757,425).

21. Buckley discloses a motion picture lighting system (Fig. 1).

22. In regards to claims 37 and 43-45, Buckley discloses:

- A housing (Fig. 1, 18 & Fig. 4, 38, 42, 44) having four sides (Fig. 2) and a front (Fig. 4, 56) (claim 37);
- A plurality of lamps (Fig. 1, 36) (claim 37);
- A primary filter holding element (Fig. 1, 25, 57, 59) disposed between the lamps (Fig. 4, 36) and the front (56) (claim 37);
- Wherein the primary filter holding element (Fig. 1, 25, 57, 59) is supported from the housing (18) (claim 37);
- A primary filter element having a translucent material that diffuses light (col. 2, lines 43-46) (claim 37);
- A secondary filter holding element (col. 3, lines 24-26), wherein the secondary holding element is supported from the housing spaced from the primary filter holding element (Fig. 2) (claim 43);

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- Wherein a primary filter element is disposed in the primary filter holding element and a secondary filter is disposed in the secondary filter holding element (Fig. 2) (col. 2, lines 43-46) (claim 44);
- A secondary filter element having a translucent material that diffuses light (col. 2, lines 43-46) (claim 45).

23. Buckley does not expressly disclose:

- A lighting frame including a light mounting element (claim 37);
- A plurality of lamps are directional (par) lamps that are directed toward the front of the housing (claim 37).

24. Waltz discloses a photographic lighting device (Fig. 5) having a lighting frame (Fig. 5, 52) including a light mounting element (12) and plural directional lamps (Fig. 4, 46, 60, 62) (obviously replaceable with par lamps) that are directed toward (col. 4, lines 53-54) the front of the housing (15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lighting frame and directional lamps of Waltz for the motion picture lighting system of Buckley to provide lights by changing the arrangement of the filters as well as by adjusting the direction of the lamps, for the purpose of providing various types of lightings (e.g. direct, indirect, high intensity focused or uniformly diffused lights) with a single lighting device, which is very desirable in motion picture filming or concert stage.

25. Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waltz (US 4,757,425) in view of Chubb (US 2,169,022).

26. Waltz was discussed in the rejection of claim 37 above.

27. In regards to claims 51-53, Waltz disclose

- A housing (Fig. 1, 15) having a front (Fig. 5, 25) and a substantially contiguous sidewall fully enclosing an interior compartment (37) (claim 51);
- A light mounting element (Fig. 5, 12) within the interior compartment (37) for supporting a plurality of forward-projecting lamp (46, 60, 62) therefrom, such that the lamp (64) is directed toward the front of housing (15) (claim 51);
- Wherein the lamp (Fig. 5, 46) has a reflector (47) (claim 51);
- A primary filter (Fig. 5, 16) holding element (Fig. 4) (col. 3, lines 56-59) disposed between the lamp (Fig. 5, 46) and the front (25) (claim 51);
- Wherein the primary filter holding element (Fig. 4) is supported from the housing (15) (col. 3, lines 56-59) (claim 51);
- Wherein the substantially contiguous sidewall comprises four discrete sides arranged in a substantially box-shaped configuration (Fig. 1) (claim 53).

28. Waltz does not expressly disclose the lamps having a curved reflective backing shaped (claim 51) substantially parabolic (claim 52). Chubb discloses a lighting system having a plurality of forward-projecting lamps (Fig. 10, 10, 11, 12) having a substantially parabolic reflective backing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamps of Chubb for the photographic lighting device of Waltz to provide directional lighting for the purpose of providing more concentrated (spot) light that is desired in motion picture filming or in the theater.

***Allowable Subject Matter***

29. Claims 50 and 54 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a front projection lighting system which includes: (a) a **foldable** housing having semi-rigid material and fabric; (b) the housing supporting a plurality of par lamps; (c) a **primary filter** holding element disposed between the par lamps and the front; (d) a **secondary filter** holding element; (e) the housing providing access to the primary filter holding element for removing and **replacing** the primary filter holding element; and (k) a light mounting element having a **rod**. This combination is not taught by prior art of record.

***Conclusion***

30. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for


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GTL  
3/13/2006



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**